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SENATE BILL 719

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO THE LOCAL DWI GRANT PROGRAM; PROVIDING THAT DISTRIBUTIONS FROM THE LOCAL DWI GRANT FUND SHALL BE MADE FOR THE PURPOSE OF DEFRAYING THE COSTS OF ARRESTING, PROSECUTING AND DEFENDING ACCUSED DWI OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 11-6A-3 NMSA 1978 (being Laws 1993, Chapter 65, Section 3, as amended) is amended to read:

"11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. - -

~~[A. The division shall establish a local DWI grant program to make grants to municipalities or counties for new, innovative or model programs, services or activities to prevent or reduce the incidence of DWI, alcoholism and alcohol abuse. Grants shall be awarded by the council pursuant to the advice and recommendations of the division.]~~

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1           B-] A. The "local DWI grant fund" is created in the  
2 state treasury and shall be administered by the [division. ~~Two~~  
3 ~~million dollars (\$2,000,000) of liquor excise tax revenues~~  
4 ~~distributed to the fund and all other money in the fund, other~~  
5 ~~than money appropriated for distribution pursuant to Subsection~~  
6 ~~C of this section and money appropriated for DWI program~~  
7 ~~distributions, are appropriated to the division to make grants~~  
8 ~~to municipalities and counties upon council approval in~~  
9 ~~accordance with the program established under the Local DWI~~  
10 ~~Grant Program Act. An amount equal to the liquor excise tax~~  
11 ~~revenues distributed annually to the fund less four million~~  
12 ~~eight hundred thousand dollars (\$4,800,000) is appropriated to~~  
13 ~~the division to make DWI program distributions to counties upon~~  
14 ~~council approval of programs in accordance with the provisions~~  
15 ~~of the Local DWI Grant Program Act. No more than one hundred~~  
16 ~~thousand dollars (\$100,000) of liquor excise tax revenues~~  
17 ~~distributed to the fund in any fiscal year shall be expended~~  
18 ~~for administration of the grant program] administrative office  
19 of the courts. The fund shall consist of money appropriated  
20 and transferred to the fund and liquor excise tax revenues  
21 distributed to the fund by law. Earnings to the fund shall be  
22 credited to the fund. Expenditures from the fund shall be by  
23 warrant of the secretary of finance and administration upon  
24 vouchers signed by the director of the administrative office of  
25 the courts. The fund is appropriated to the administrative~~

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1 office of the courts for the purpose of making allocations  
2 pursuant to the provisions of this section. Balances in the  
3 fund at the end of any fiscal year shall not revert to the  
4 general fund.

5 ~~[C. Two million eight hundred thousand dollars~~  
6 ~~(\$2,800,000) of the liquor excise tax revenues distributed to~~  
7 ~~the local DWI grant fund is appropriated to the division for~~  
8 ~~distribution to the following counties in the following amounts~~  
9 ~~for funding of alcohol detoxification and treatment facilities:~~

10 ~~(1) one million seven hundred thousand dollars~~  
11 ~~(\$1,700,000) to class A counties with a population of over~~  
12 ~~three hundred thousand persons according to the 1990 federal~~  
13 ~~decennial census;~~

14 ~~(2) three hundred thousand dollars (\$300,000)~~  
15 ~~each to counties classified in 2000 as class B counties with a~~  
16 ~~population of more than ninety thousand but less than one~~  
17 ~~hundred thousand persons according to the 1990 federal~~  
18 ~~decennial census;~~

19 ~~(3) two hundred thousand dollars (\$200,000) to~~  
20 ~~class B counties with a population of more than thirty thousand~~  
21 ~~but less than forty thousand persons according to the 1990~~  
22 ~~federal decennial census;~~

23 ~~(4) one hundred fifty thousand dollars~~  
24 ~~(\$150,000) to class B counties with a population of more than~~  
25 ~~sixty-two thousand but less than sixty-five thousand persons~~

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1 ~~according to the 1990 federal decennial census; and~~

2 ~~(5) one hundred fifty thousand dollars~~  
3 ~~(\$150,000) to class B counties with a population of more than~~  
4 ~~thirteen thousand but less than fifteen thousand persons~~  
5 ~~according to the 1990 federal decennial census.~~

6 D. ~~In awarding DWI grants to local communities, the~~  
7 ~~council:~~

8 ~~(1) may fund new or existing innovative or~~  
9 ~~model programs, services or activities of any kind designed to~~  
10 ~~prevent or reduce the incidence of DWI, alcoholism or alcohol~~  
11 ~~abuse;~~

12 ~~(2) may fund existing community-based~~  
13 ~~programs, services or facilities for prevention, screening and~~  
14 ~~treatment of alcoholism and alcohol abuse;~~

15 ~~(3) shall give consideration to a broad range~~  
16 ~~of approaches to prevention, education, screening, treatment or~~  
17 ~~alternative sentencing, including programs that combine~~  
18 ~~incarceration, treatment and aftercare, to address the problem~~  
19 ~~of DWI, alcoholism or alcohol abuse; and~~

20 ~~(4) shall make grants only to counties or~~  
21 ~~municipalities in counties that have established a DWI planning~~  
22 ~~council and adopted a county DWI plan or are parties to a~~  
23 ~~multicounty DWI plan that has been approved pursuant to Chapter~~  
24 ~~43, Article 3 NMSA 1978 and only for programs, services or~~  
25 ~~activities consistent with that plan.~~

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1                   E. ~~The council shall use the criteria in Subsection~~  
2 ~~D of this section to approve DWI programs, services or~~  
3 ~~activities for funding through the county DWI program~~  
4 ~~distribution.]~~

5                   B. The "DWI advisory committee" is created. The  
6 committee shall consist of seven members as follows:

7                                 (1) the director of the administrative office  
8 of the courts;

9                                 (2) the director of the administrative office  
10 of the district attorneys;

11                                (3) the chief public defender;

12                                (4) a district attorney for a county that  
13 contains a metropolitan court;

14                                (5) a district attorney appointed by all of  
15 the district attorneys;

16                                (6) the chief of the New Mexico state police;  
17 and

18                                (7) a local law enforcement officer appointed  
19 by the governor.

20                   C. The administrative office of the courts shall  
21 provide staff for the DWI advisory committee; provided that no  
22 more than one hundred thousand dollars (\$100,000) may be  
23 expended annually from the local DWI grant fund for  
24 administrative expenses.

25                   D. The DWI advisory committee shall examine the

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1 workload of the district courts, the district attorneys, the  
2 public defenders and law enforcement agencies related to  
3 arresting, prosecuting and defending accused DWI offenders,  
4 examine the manpower needs of law enforcement agencies in  
5 adequately addressing DWI arrests, examine the existing delays  
6 in the judicial districts in bringing the cases to trial and  
7 identify the costs necessary to increase DWI enforcement, end  
8 the delays and arrest and prosecute DWI offenders in a timely  
9 manner. Upon the recommendations of the DWI advisory  
10 committee, the administrative office of the courts shall  
11 allocate the unexpended and unencumbered balance of the local  
12 DWI grant fund to those law enforcement agencies, courts,  
13 district attorneys and public defenders that are most in need  
14 of additional funding to alleviate the existing enforcement and  
15 prosecution problems relating to DWI offenses.

16 E. Amounts allocated pursuant to the provisions of  
17 this section are supplemental to other appropriations and shall  
18 be budgeted and accounted separately."

19 Section 2. REPEAL. -- Sections 11-6A-1, 11-6A-2 and 11-6A-4  
20 through 11-6A-6 NMSA 1978 (being Laws 1993, Chapter 65,  
21 Sections 1, 2, 4 and 5 and Laws 1997, Chapter 182, Section 2,  
22 as amended) are repealed.

23 Section 3. EFFECTIVE DATE. -- The effective date of the  
24 provisions of this act is July 1, 2003.